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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/775527
Filing Date: February 9, 2004
Appellant(s): ROBBIN ET AL.

C. Douglass Thomas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/08/2010 appealing from the Office action mailed 06/08/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application: Claims 1-3, 5, 6, 9, 11-16, 19 and 23-24 are pending and stand rejected in the present application. Claims 1, 11, and 23 are in independent form.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

20030020671	Santoro et al.	4-2002
20020042730	Homer	7-2002
Jason Nieh and Monica S.	Nieh et al.	10-1997

Lam, "The Design,
Implementation and
Evaluation of SMART: A

Scheduler for Multimedia
Applications", appearing in
"Proceedings of the
Sixteenth ACM Symposium
on Operating Systems
Principles", St. Malo,
France

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Priority

1. Appellant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) is acknowledged. Appellant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:
The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60465410, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The content of claims 1-24 were not disclosed in the provisional Application No. 60465410.

- a. As to claims 1, 11, and 23 there is no support in a prior-filed application for the limits "priority levels associated with the different media-based actions" or "a task manager that manages performance of at least browse, preview, purchase or download operations by assigning priority levels to each of the browse, preview, purchase or download operations, and managing performance of the browse, preview, purchase or download operations in accordance with the assigned priority levels".
- b. As to claims 2 – 10, 12-22, and 24 these are dependent claims to independent claims 1, 11, or 23 and, therefore, are also unsupported by the prior-filed application.

Accordingly, claims 1-3, 5, 6, 9, 11-16, 19, and 21-24 are not entitled to the benefit of the prior application.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 9, 11-16, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro (PGPub Document No. 20030020671) in view of Homer (PGPub Document No. 20020042730).

As to claims 1, 5, 11, 15, and 23 : Santoro teaches a **method of managing tasks ([¶19]) performed within a single client media player application program** (graphical user interface application program [¶164]) **stored on a computer readable medium ([¶20-21]) and running at the application level** (application program [¶123]) **on a computer coupled ([¶23, lines 1-3]) over a network to a network-based media server ([Figures 24-27]), said method comprising:**

receiving, via a task manager computer program implemented within the single client media player application program (URL loader [Figure 15, element 1510] [¶129-132] URL Layer [Figure 22, element 2205] [¶160] [¶166-168] [¶173-177]), **tasks to be performed from the single client media player application program** (tiles within the GUI interface [Figure 4] [¶77-80]), **the tasks pertaining to one or more different media-based actions** (the invention presents video clips, e-mail messages, television shows, Internet sites, application programs, data files and folders, live video streams, music, radio shows, and any other form of analog signal, digital data or electronically stored information, to the user uniformly [¶19] text and graphics [¶54]), **and the tasks involving interaction of the client media player application program with the media server over the network** ([Figures 24-27] [¶155]);

activating, via the task manager computer program, an operation at the client media player application program in response to each of the tasks ([¶78]); **and**

coordinating, via the task manager computer program, performance of the activated operations at the client media player application program in accordance with priority levels associated with the different media-based actions of the tasks ([¶64] [¶68] [¶85-92] [¶100-104]), **each of the different media-based actions having a different intra-application priority level** ([¶85]), **the priority levels of the different media-based actions being user-modifiable based on user interaction with the client media player application program** ([¶21, lines 16-21] [¶64] [¶89] [¶101] [¶112] [¶166]).

Santoro further teaches that its the invention allows for browsing (web browser [¶88] [¶107] [¶123] [claim 21]) and downloading ([¶156-157]) of any other form of

analog signal, digital data or electronically stored information to the user uniformly ([¶19] text and graphics [¶54] and strongly implies previewing and purchasing (see at least [¶53]) content that is media based (video, audio, text, and graphics [¶54]). However, **a method wherein the different media-based actions include at least: previewing media, browsing media, purchasing media, and downloading media** are not explicitly stated within Santoro.

Homer teaches previewing media ("play preview" [pg. 7, para. 63, line 14]), browsing media (uses a catalog to browse media [pg. 7, para. 63, line 11]), purchase media (the system can "set up customer accounts, process payments from customers for establishing file access authorizations, and enables transmission user-selected files to customers" [pg. 1, para. 10, lines 7-10] and download media [referring to Figure 1, "the customer selects items from the catalog 35 to be downloaded over the computer network 14 to the mass storage device 40 of the customer computer 16" [pg. 3, para. 35, lines 23-25]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Homer with that of Nieh et. al. to achieve the claimed invention. since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.. The media of Homer are a form of analog signal, digital data or electronically stored information which can be transmitted over the internet as taught by Santoro. Additionally, one skilled in the art would be motivated to combine the inventions because Homer provides a system which is easy to use in that it eliminates physical delivery of media and/or keys for downloading media, is less expensive to manage in that it does not require particular works to be metered separately, and do no require undesirable compromises between the number of available works and the cost of obtaining access.

As per claim 2, the rejection of claim 1 has been addressed. Santoro further teaches **a method wherein the priority levels are provided on a per-computer basis** (priorities can be assigned automatically by the application program [¶21, lines 16-21] [¶64-68] [¶85] [¶87-90]) **or a per-user basis**. (the graphical user interface can allow the user to control priorities [¶21, lines 16-21] [¶64] [¶89] [¶101] [¶112] [¶166])).

As per claim 3, the rejection of claim 1 has been addressed. Santoro further teaches **wherein said coordinating coordinates the execution of the activated operations pertaining to a particular user of the computer based on the priority levels tasks** ([¶64] [¶68] [¶85-92] [¶100-104]).

As per claim 6, the rejection of claim 5 has been addressed.

Santoro teaches **a method wherein the media includes at least one of audio, video or images** (the invention presents video clips, e-mail messages, television shows, Internet sites, application programs, data files and folders, live video streams, music, radio shows, and any other form of analog signal, digital data or electronically stored information, to the user uniformly [¶19] text and graphics [¶54]).

As per claim 9, the rejection of claim 1 has been addressed.

All of the remaining limits of Claim 9 have been previously addressed in Claims 1, 5, and 6, and is therefore rejected using the same prior art and rationale.

As per claim 11, Nieh et. al. teaches **A computer readable medium including at least executable computer program code tangibly stored thereon, that when executed by a computer performs a method** ([¶20-21] [¶23])

All of the remaining limits of Claim 11 have been previously addressed in Claim 1, and is therefore rejected using the same prior art and rationale.

As per claim 12, the rejection of claim 11 has been addressed.

All of the limits of Claim 12 have been previously addressed in Claim 2, and is therefore rejected using the same prior art and rationale.

As per claim 13, the rejection of claim 11 has been addressed.

All of the limits of Claim 13 have been previously addressed in Claim 3, and is therefore rejected using the same prior art and rationale.

As per claim 14, the rejection of claim 11 has been addressed.

All of the limits of Claim 14 have been previously addressed in Claim 1, and is therefore rejected using the same prior art and rationale.

As per claim 16, the rejection of claim 15 has been addressed.

All of the limits of Claim 16 have been previously addressed in Claim 6, and is therefore rejected using the same prior art and rationale.

As per claim 19, the rejection of claim 11 has been addressed.

All of the limits of Claim 19 have been previously addressed in Claim 9, and is therefore rejected using the same prior art and rationale.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro (PGPub Document No. 20030020671) in view of Homer (PGPub Document No.

20020042730) in further view of Nieh et al. (Jason Nieh and Monica S. Lam, "The Design, Implementation and Evaluation of SMART: A Scheduler for Multimedia Applications", appearing in "Proceedings of the Sixteenth ACM Symposium on Operating Systems Principles", St. Malo, France, October, 1997).

As per claim 24, the rejection of claim 11 has been addressed. Santoro teach that **each of the operations are executed by different processing data streams** ([¶88]) and Homer teaches **browse, preview, purchase and download operations** as cited in claim 1. However, Santoro does not use the term thread when discussing the tasks.

Nieh et. al. a SMART scheduling algorithm was implemented in the Solaris UNIX operating system [see pg. 1, para. 4, lines 3-4] and **wherein each of the operations are executed by different processing threads** (threads [pg. 8, para. 14] and [pg. 9, para. 5]).

It would have been obvious to one of ordinary skill in the art to include in the invention of Santoro and Homer the use of independent threads with respect to each tile and respective data stream as taught by Nieh et. al. since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. Further, the purpose of such a combination would be to provide more flexible, predictable controls within the GUI interface which allows users to more easily bias the allocation of priority of resources according to their preferences, thus increasing user satisfaction.

(10) Response to Argument

5. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 1, Item 1 - "NONE OF THE CITED REFERENCES TEACH OR SUGGEST DIFFERENT INTRA-APPLICATION PRIORITY LEVELS FOR DIFFERENT

MEDIA-BASED ACTIONS": The appellant arguments regarding this item are found on pages 7-9 of the Appeal Brief filed 12/09/2010.

6. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Santoro (PGPub Document No. 20030020671) teaches that "Together, the grid and tiles comprise the application through which a user can view simultaneously information from a multitude of available sources including multiple sites on the Internet or some other distributed computer network, receive signals from multiple broadcast channels, and open and view multiple files. In its initial embodiment, the application may be run through conventional computer operating systems, whereupon it overlays the user's desktop and acts as if it were a "borderless browser". Therefore the application resides over existing applications without replacing any of them; rather it enables them to be called from the grid itself. The application, therefore, becomes a graphical file manager in which the content of continuously changing files, e.g., data streams, is being displayed in real-time or near real-time, depending on the assigned priority. Effectively, the application can be used instead of the user's computer "desktop" because it has a more visually intuitive dynamic menuing system than a traditional desktop." ([¶92]) The examiner notes that either the application software (such as the URL loader) or the grid itself can be mapped to the appellant's (**task manager**), since the coordination is performed within the application and not by the operation system of the computer. Further, each tile has a priority level which is user modifiable or can be automatically assigned

(¶21, lines 16-21) [¶64] [¶85] [¶89] [¶101] [¶112] [¶166]). Each of the assigned priority levels affects the refresh rate (appellant's **performance**) of the tile.

Finally, each of the tiles is able to present **media based actions** in the form of video clips, e-mail messages, television shows, Internet sites, application programs, data files and folders, live video streams, music, radio shows, and any other form of analog signal, digital data or electronically stored information, to the user uniformly [¶19] text and graphics [¶54]. As such, the examiner contends that the claim limits are taught by the prior art of record.

7. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 1, Item 2 - "NONE OF THE CITED REFERENCES TEACH OR SUGGEST PRIORITY LEVELS FOR DIFFERENT MEDIA-BASED ACTIONS THAT ARE USER-MODIFIABLE": The appellant arguments regarding this item are found on pages 9-11 of the Appeal Brief filed 12/09/2010.
8. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Santoro discloses each of the tiles are able to present **media based actions** in the form of video clips, e-mail messages, television shows, Internet sites, application programs, data files and folders, live video streams, music, radio shows, and any other form of analog signal, digital data or electronically stored information, to the user uniformly [¶19] text and graphics [¶54] and that priorities for each of the tiles can be assigned automatically by the application program [¶21, lines 16-21] [¶64-68] [¶85] [¶87-90]) or can allow the user to

control priorities [¶21, lines 16-21] [¶64] [¶89] [¶92] [¶101] [¶112] [¶166])).

Therefore, the examiner contends that each tile is a different media-based action which has a user-modifiable priority. As such, the examiner contends that the claim limits are taught by the prior art of record.

9. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 1, Item 3 - "EXAMINER'S RATIONALE TO COMBINE SANTORO ET AL. AND HOMER ET AL. IS DEFECTIVE": The appellant arguments regarding this item are found on pages 11-12 of the Appeal Brief filed 12/09/2010.
10. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

11. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 2: The appellant arguments regarding this claim are found on pages 12-13 of the Appeal Brief filed 12/09/2010.
12. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward "intra-application priority levels" have been previously addressed in Claim 1, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 2, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner contends that Santoro teaches that **the priority levels are provided on a per-computer basis** (priorities can be assigned automatically by the application program [¶21, lines 16-21] [¶64-68] [¶85] [¶87-90]) **or a per-user basis.** (the graphical user interface can allow the user to control priorities [¶21, lines 16-21] [¶64] [¶89] [¶101] [¶112] [¶166])) as found in the prior art rejection as found in the examiner's answer. As such, the examiner maintains the 35 USC § 103 of Claim 2.
13. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 3: The appellant arguments regarding this claim are found on page 13 of the Appeal Brief filed 12/09/2010.

14. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward "coordinating performance of the activated operations at the client media player application program in accordance with priority levels associated with the different media-based actions of the tasks, each of the different media-based actions having a different intra-application priority level" have been previously addressed in Claim 1, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 3, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner contends that Santoro teaches **said coordinating coordinates the execution of the activated operations pertaining to a particular user of the computer based on the priority levels tasks** ([¶64] [¶68] [¶85-92] [¶100-104]). As such, the examiner maintains the 35 USC § 103 of Claim 3 as found in the prior art rejection as found in the examiner's answer..
15. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 5: The appellant arguments regarding this claim are found on pages 13-14 of the Appeal Brief filed 12/09/2010.
16. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward "different media-

based actions" have been previously addressed in Claim 1, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 5, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner contends that Santoro teaches browsing (web browser [¶88] [¶107] [¶123] [claim 21]) and downloading ([¶156-157]) of any other form of analog signal, digital data or electronically stored information to the user uniformly [¶19] text and graphics [¶54] and strongly implies previewing and purchasing (see at least [¶53]) content that is media based (video, audio, text, and graphics [¶54]). Homer teaches previewing media ("play preview" [pg. 7, para. 63, line 14]), browsing media (uses a catalog to browse media [pg. 7, para. 63, line 11]), purchase media (the system can "set up customer accounts, process payments from customers for establishing file access authorizations, and enables transmission user-selected files to customers" [pg. 1, para. 10, lines 7-10] and download media [referring to Figure 1, "the customer selects items from the catalog 35 to be downloaded over the computer network 14 to the mass storage device 40 of the customer computer 16" [pg. 3, para. 35, lines 23-25]). As such, the examiner maintains the 35 USC § 103 of Claim 5 as found in the prior art rejection as found in the examiner's answer.

17. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 6: The appellant arguments regarding this claim are found on page 14 of the Appeal Brief filed 12/09/2010.
18. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to response to argument directed toward Claims 1 and 5 have been addressed, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 6, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner contends that Santoro teaches that **the media includes at least one of audio, video or images** (the invention presents video clips, e-mail messages, television shows, Internet sites, application programs, data files and folders, live video streams, music, radio shows, and any other form of analog signal, digital data or electronically stored information, to the user uniformly [¶19] text and graphics [¶54]) as found in the prior art rejection found in the examiner's answer.. As such, the examiner maintains the 35 USC § 103 of Claim 6.
19. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 9: The appellant arguments regarding this claim are found on pages 14-15 of the Appeal Brief filed 12/09/2010.

20. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward "different media-based actions prioritized with user-modifiable priorities" have been previously addressed in Claim 1, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 9, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner contends that the invention of Santoro teaches presenting video clips, e-mail messages, television shows, Internet sites, application programs, data files and folders, live video streams, **music**, radio shows, and any other form of analog signal, digital data or electronically stored information, to the user uniformly [¶19] text and graphics [¶54] and browsing (web browser [¶88] [¶107] [¶123] (claim 21)) and downloading ([¶156-157]) of any other form of analog signal, digital data or electronically stored information to the user uniformly [¶19] text and graphics [¶54] and strongly implies previewing and purchasing (see at least [¶53]) content that is media based (video, audio, text, and graphics [¶54]). Homer teaches previewing media ("play preview" [pg. 7, para. 63, line 14]), browsing media (uses a catalog to browse media [pg. 7, para. 63, line 11]), purchase media (the system can "set up customer accounts, process payments from customers for establishing file access authorizations, and enables transmission user-selected

files to customers" [pg. 1, para. 10, lines 7-10] and download media [referring to Figure 1, "the customer selects items from the catalog 35 to be downloaded over the computer network 14 to the mass storage device 40 of the customer computer 16" [pg. 3, para. 35, lines 23-25]]. As such, the examiner maintains the 35 USC § 103 of Claim 9 as found in the prior art rejection as found in the examiner's answer.

21. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 11: The appellant arguments regarding this claim are found on pages 15-16 of the Appeal Brief filed 12/09/2010.
22. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward the claim limits of claim 11 have been previously addressed in Claim 1, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 11, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. As such, the examiner maintains the 35 USC § 103 of Claim 11 as found in the prior art rejection as found in the examiner's answer.

23. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 12: The appellant arguments regarding this claim are found on page 16 of the Appeal Brief filed 12/09/2010.
24. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward "intra-application priority levels" have been previously addressed in Claim 1 and 11, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 12, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner contends that Santoro teaches that **the priority levels are provided on a per-computer basis** (priorities can be assigned automatically by the application program [¶21, lines 16-21] [¶64-68] [¶85] [¶87-90]) **or a per-user basis.** (the graphical user interface can allow the user to control priorities [¶21, lines 16-21] [¶64] [¶89] [¶101] [¶112] [¶166])) as found in the prior art rejection as found in the examiner's answer. As such, the examiner maintains the 35 USC § 103 of Claim 12.
25. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 13: The appellant arguments regarding this claim are found on pages 16-17 of the Appeal Brief filed 12/09/2010.

26. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward "coordinating performance of the activated operations at the client media player application program in accordance with priority levels associated with the different media-based actions of the tasks, each of the different media-based actions having a different intra-application priority level" have been previously addressed in Claim 1 and 11, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 13, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner contends that Santoro teaches **said coordinating coordinates the execution of the activated operations pertaining to a particular user of the computer based on the priority levels tasks** ([¶64] [¶68] [¶85-92] [¶100-104]). As such, the examiner maintains the 35 USC § 103 of Claim 13 as found in the prior art rejection as found in the examiner's answer.
27. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 14: The appellant arguments regarding this claim are found on page 17 of the Appeal Brief filed 12/09/2010.

28. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward "intra-application priority levels" have been previously addressed in Claim 1 and 11, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 14, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner maintains the 35 USC § 103 rejection as found in the prior art rejection for claim 14 as found in the examiner's answer.
29. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 15: The appellant arguments regarding this claim are found on pages 17-18 of the Appeal Brief filed 12/09/2010.
30. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward "different media-based actions" have been previously addressed in Claim 1 and 11, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 15, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes

them from the references. The examiner contends that Santoro teaches browsing (web browser [¶88] [¶107] [¶123] [claim 21]) and downloading ([¶156-157]) of any other form of analog signal, digital data or electronically stored information to the user uniformly [¶19] text and graphics [¶54] and strongly implies previewing and purchasing (see at least [¶53]) content that is media based (video, audio, text, and graphics [¶54]). Homer teaches previewing media ("play preview" [pg. 7, para. 63, line 14]), browsing media (uses a catalog to browse media [pg. 7, para. 63, line 11]), purchase media (the system can "set up customer accounts, process payments from customers for establishing file access authorizations, and enables transmission user-selected files to customers" [pg. 1, para. 10, lines 7-10] and download media [referring to Figure 1, "the customer selects items from the catalog 35 to be downloaded over the computer network 14 to the mass storage device 40 of the customer computer 16" [pg. 3, para. 35, lines 23-25]). As such, the examiner maintains the 35 USC § 103 of Claim 15 as found in the prior art rejection as found in the examiner's answer.

31. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 16: The appellant arguments regarding this claim are found on pages 18 of the Appeal Brief filed 12/09/2010.
32. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to response to argument directed toward Claims 1, 11 and 15 have been addressed, and is therefore rejected using the

same prior art and rationale. With respect to appellant's statement concerning the limits of claim 16, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner contends that Santoro teaches that **the media includes at least one of audio, video or images** (the invention presents video clips, e-mail messages, television shows, Internet sites, application programs, data files and folders, live video streams, music, radio shows, and any other form of analog signal, digital data or electronically stored information, to the user uniformly [¶19] text and graphics [¶54]) as found in the prior art rejection as found in the examiner's answer.. As such, the examiner maintains the 35 USC § 103 of Claim 16.

33. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 19: The appellant arguments regarding this claim are found on pages 18-19 of the Appeal Brief filed 12/09/2010.
34. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. Examiner's response to argument directed toward "different media-based actions prioritized with user-modifiable priorities" have been previously addressed in Claim 1 and 11, and is therefore rejected using the same prior art and rationale. With respect to appellant's statement concerning the limits of claim 19, the Appellant's arguments fail to comply with 37 CFR 1.111(b) because they

amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner contends that the invention of Santoro teaches presenting video clips, e-mail messages, television shows, Internet sites, application programs, data files and folders, live video streams, **music**, radio shows, and any other form of analog signal, digital data or electronically stored information, to the user uniformly [¶19] text and graphics [¶54] and browsing (web browser [¶88] [¶107] [¶123] [claim 21]) and downloading ([¶156-157]) of any other form of analog signal, digital data or electronically stored information to the user uniformly [¶19] text and graphics [¶54] and strongly implies previewing and purchasing (see at least [¶53]) content that is media based (video, audio, text, and graphics [¶54]). Homer teaches previewing media ("play preview" [pg. 7, para. 63, line 14]), browsing media (uses a catalog to browse media [pg. 7, para. 63, line 11]), purchase media (the system can "set up customer accounts, process payments from customers for establishing file access authorizations, and enables transmission user-selected files to customers" [pg. 1, para. 10, lines 7-10] and download media [referring to Figure 1, "the customer selects items from the catalog 35 to be downloaded over the computer network 14 to the mass storage device 40 of the customer computer 16" [pg. 3, para. 35, lines 23-25]). As such, the examiner maintains the 35 USC § 103 of Claim 19 as found in the prior art rejection as found in the examiner's answer.

35. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 23: The appellant arguments regarding this claim are found on pages 19-26 of the Appeal Brief filed 12/09/2010.
36. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. The arguments directed toward the items titled "NONE OF THE CITED REFERENCES TEACH OR SUGGEST DIFFERENT INTRA-APPLICATION PRIORITY LEVELS FOR DIFFERENT MEDIA-BASED ACTIONS", "NONE OF THE CITED REFERENCES TEACH OR SUGGEST PRIORITY LEVELS FOR DIFFERENT MEDIA-BASED ACTIONS THAT ARE USER-MODIFIABLE", and "EXAMINER'S RATIONALE TO COMBINE SANTORO ET AL. AND HOMER ET AL. IS DEFECTIVE" have been addressed in the claim 1 under each respective section, and is therefore rejected using the same prior art and rationale.
37. APPELLANT REMARKS CONCERNING Claim Rejections - 35 USC § 103 Claim 24: The appellant arguments regarding this claim are found on pages 26-27 of the Appeal Brief filed 12/09/2010.
38. EXAMINER'S RESPONSE: The Examiner respectfully disagrees with Appellant's arguments. First, the Solaris UNIX operating system [see pg. 1, para. 4, lines 3-4]) as found in Nieh et. al. is connected to a network (threads [pg. 8, para. 14] and [pg. 9, para. 5]), and as such is capable of common internet activities such

as browsing, previewing, purchasing, and downloading data. More importantly, the combined teachings of Santoro and Homer teach these common activities as separate data streams (Santoro [para. 88]). Nieh et. al. teaches that use of the term thread, and further reinforces the concept commonly known in the art that threads are executed independently. As such, the examiner maintains the 35 USC § 103 of Claim 24 as found in the prior art rejection as found in the examiner's answer.

11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Gregory Pollock/
Examiner, Art Unit 3695
02/24/2011

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193

/Emerson C Puente/
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